

**MINUTES OF PUBLIC MEETING
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD
FOR THE SUPERIOR COURT**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Superior Court was convened Tuesday, February 5, 2013, at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Members Present:

Kevin Kluge, Chair; Phil Hanley; Mark Smalley; Rob Lubitz; Jason Hathcock

Also Present:

Annette Corallo, Board Secretary; Leticia Chavez, Recorder; Hannah Auckland, Attorney; Court Reporter, Ottmar & Associates; students Cassandra Herrera and Adrian Jacoba as observers

Call to Order

Approval of the Minutes:

- a. January 8, 2013, Public Meeting Minutes

MOTION: A motion to approve the January 8, 2013 Public Meeting Minutes was made by M. Smalley. Motion was seconded and passed unanimously; minutes stand approved. **CORP 2013-04**

Consideration of Disability Applications:

The Local Board may vote to go into Executive Session to discuss medical documentation and receive legal advice for the following disability applications pursuant to A.R.S. 38-431.03 (A)(2 & 3):

- a. #12-01 – Pending IME; Additional Medical Documentation

MOTION: A motion to go into Executive Session to receive legal advice was made by M. Smalley. Motion was seconded and passed unanimously. **CORP 2013-05**

MOTION: A motion to return to public session was made by R. Lubitz. Motion was seconded and passed unanimously. **CORP 2013-06**

At the October 4, 2012 meeting, the Board approved a motion to refer Applicant #12-01 for an IME to be scheduled by the Board Secretary after Board receipt of all medical documentation dating from June 2012 through October 2012 (to include the findings of the examination scheduled for October 10, 2012). On December 26, 2012, the Board office received a letter from Applicant #12-01 and a copy of the October 10, 2012 IME report. After discussion of the medical documentation, the Board agreed that since the applicant appeared to provide support for

the application in the medical records, they would move forward in scheduling an IME pursuant to the motion made at the October 4, 2012 meeting.

b. #09-03 – IME Decision (Annual Review)

The Board approved Application #09-03 for Accidental Disability benefits on February 24, 2011 after a re-hearing. The last IME, conducted January 24, 2012, concluded that the applicant continues to have a physical condition that totally and permanently prevents her from performing a reasonable range of duties within her department. On February 8, 2012, the Board voted to continue the Accidental Disability benefit for applicant #09-03 and to review the case in one year. This matter is brought to the Board for a yearly medical evaluation determination. The applicant was asked to provide medical treatment records since February 1, 2012, to assist the Board in determining whether an independent medical re-evaluation of the applicant's condition is necessary. Medical records received included an IME report dated December 18, 2012, conducted by Dr. David S. Bailie of the Orthopedic Clinic Association for Alliance Evaluation Services. The IME conducted by Dr. Bailie detailed a finding of 40% impairment with restrictions as to lifting, climbing, reaching over head, and operating in an environment of unprotected heights or moving machinery. The IME also states that if the applicant chooses not to proceed with shoulder revision surgery that a permanent and stationary status would be recommended. In a cover letter included with the medical documentation, the applicant stated she would not be able to attend this meeting because it conflicted with scheduled surgery on her "failed Total Shoulder Arthroplasty." The Board Secretary recommended that since the applicant's surgery would require a long recovery and rehabilitation, the Board should continue the applicants' disability benefit and review the case again in one year.

MOTION: A motion to continue the Accidental Disability benefit for Applicant #09-03 and review the case in one year was made by J. Hathcock. Motion was seconded and passed unanimously. **CORP 2013-07**

Retirement:

The Local Board may consider and vote on the approval of Normal Retirement benefits for the following applications or defer decision to a later date:

- a. Patricia O. Abou Srouf
- b. Don V. Carbajal
- c. Brian W. Finucane (R-DROP)
- d. David A. Puyear

The Board Secretary noted for the record that the effective retirement date for all applicants is February 1, 2013.

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts was made by P. Hanley. Motion was seconded and passed unanimously. **CORP 2013-08**

Patricia O. Abou Srouer: \$1,183.65
Don V. Carbajal: \$1,646.50
Brian W. Finucane: \$4,388.55 (R-DROP Payout of \$133,290.11)
David A. Puyear: \$2,003.66

Approval of Death Benefit:

The Local Board may consider and vote on the approval of a Death Benefit for the following application or defer decision to a later date:

- a. Douglas J. Kinslow (Deceased) – Benefit payable to Donald W. Kinslow (Designated Beneficiary)

The Board office verified with PSPRS that Donald W. Kinslow is the current Designated Beneficiary of Douglas J. Kinslow.

MOTION: A motion to approve a Death Benefit payable to Donald W. Kinslow, the current Designated Beneficiary of Douglas J. Kinslow, was made by M. Smalley. Motion was seconded and passed unanimously. CORP 2013-09

Notice of Return to Work:

The Board received a Notice of Return to Work from Yuma County for David J. Rangel, Surveillance Officer. The form indicates that Mr. Rangel retired from the Yuma County Sheriff's Office on July 1, 2007, and returned to work for the Yuma County Adult Probation Department on January 14, 2013, in a CORP designated position. Since Mr. Rangel retired from the Sheriff's Office, the AOC CORP Local Board cannot make a determination of his pension eligibility. The Board directed the Board Secretary to notify the Local Board for the Yuma County Sheriff's Office of his return to work status and Mr. Rangel's new employer (Yuma County) of their responsibility to pay an alternate contribution rate on his behalf.

CORP Physical Pre-Existing Conditions:

- a. Michelle Enyeart

The Board approved Ms. Enyeart for CORP membership at the January 8, 2013 meeting. Her physical exam report was received after a 60-day notice was sent to her on December 19, 2012. The Board noted for the record that the physical exam report for Ms. Enyeart identified a pre-existing condition. Ms. Enyeart will be sent a pre-existing condition letter.

Approval of Membership:

The Local Board may consider and vote on the approval of the following requests for membership or defer decision to a later date:

- a. Durica, Elena Maricopa 1/7/2013
- b. Gaines, Aneesha Maricopa 1/7/2013

c.	Herrera, Jose	Maricopa	12/10/2012
d.	Hudson, Melissa	Maricopa	12/17/2012
e.	Hughes, Merrell	Pinal	12/10/2012
f.	Kinney, Ivy	Maricopa	1/7/2013
g.	Lucas, Angel	Maricopa	1/7/2013
h.	Rabago, Marcos	Pinal	12/17/2012
i.	Rabalcava, Andrew	Pinal	12/17/2012
j.	Reyes, Sandra	Maricopa	1/22/2013
k.	Schaffer, Samantha	Maricopa	1/7/2013
l.	Smith, Caneesha	Maricopa	1/22/2013
m.	Spokes, Walter	Coconino	10/15/2012
n.	Sunderland, Kristin	Maricopa	1/7/2013
o.	Sutton, Todd	Yuma	1/14/2013

The Board noted for the record that the physical examinations for applicants Melissa Hudson, Sandra Reyes, Walter Spokes, Kristin Sunderland and Todd Sutton identified a physical or mental condition or injury that existed or occurred before the member's date of membership in the plan.

MOTION: A motion to approve the 15 named employees requesting membership into CORP was made by P. Hanley. Motion was seconded and passed unanimously. **CORP 2013-10**

Status Update: CORP Election

Board Member Mark Smalley's term will expire on June 30, 2013. Pursuant to A.R.S. §38-893, the Board is conducting an election to fill this position on the Board effective July 1, 2013. The Board Secretary sent an Election Announcement to the Probation Chiefs and Juvenile Court Directors on January 30, 2013. The Election Announcement was also posted on the Board's website on January 30, 2013. The Board Secretary also advised the Board that nomination ballots will be mailed to all active members by February 20, 2013.

Call to Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:15 a.m.

Transcribed February 5, 2013